

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 14712 of Mt. Jezreel Baptist Church, pursuant to 11 DCMR 3107.2, for variances from the minimum lot area requirements (Sub-section 401.3), floor area ratio requirements (Sub-section 1203.3), the number of stories limitation (Sub-section 1203.1), and the use provisions (Sub-section 330.5) for a proposed addition and conversion of a church into an apartment house in a CAP/R-4 District at premises 501-E Street, S.E., (Square 846, Lot 830).

HEARING DATE: December 9, 1987
DECISION DATE: January 6, 1988

FINDINGS OF FACT

1. The premises, known as 501 E Street S.E., are located at the southeast corner of the intersection of Fifth and E Streets, S.E. and across from Marion Park. The property is located within a CAP/R-4 District.

2. The site is rectangular in shape with 85.08 feet of frontage on E Street and 90 feet of frontage on Fifth Street. The lot has a land area of 7,657.20 square feet.

3. The site is improved with a two to three-story brick church built in 1883 and an adjacent administrative building also constructed of brick. The church structure has an open mezzanine and separated attic and open space from the nave on the second floor to the roof. The structure had been used by Mt. Jezreel Baptist Church for customary religious and general church purposes for over 100 years.

4. The site is located on Capitol Hill within the Capitol Hill Historic District. The surrounding area to the north and west of the premises is characterized by residential row dwellings, a few apartment houses and Marion Park. To the east and south are other residential row dwellings and apartment houses. The square to the south of the subject square is located in a CAP/R-5-B District.

5. Mt. Jezreel Baptist Church has contracted to sell the premises to the developer, M. Abraham Ahmad, who seeks to convert the church to a 19 unit residential condominium and to use the remainder of the lot for parking 12 automobiles. At present the lot does not have any parking facilities.

6. In 1983, the church sought a demolition permit to raze the structure and build a new church since the existing structure could not accommodate the size of the church's growing congregation and the church could not afford to renovate the structure. A structural analysis of the church building showed that termites had riddled much of the wood flooring, columns and wainscoting as well as joists and beams. Several beams were approaching failure, columns had severely buckled and the settling of the building had caused the mezzanine to pull away from the outer walls. On May 18, 1983, in Historic Preservation Application (HPA) No. 83-38, the Mayor denied the application for a demolition permit on the grounds that the structure was a contributing element to the Historic District and the applicant had not shown that it could not sell the church for a profit.

7. In 1984 the congregation was forced to move to another location as a result of (1) the structure's deteriorating condition; (2) a substantial increase in the membership of the church; and (3) the location of a substantial amount of the church's congregation to other areas of the District of Columbia and suburbs. The Church has a congregation of 750 members. The sanctuary has a capacity of not more than 200 persons.

8. The contract purchaser plans to fill in the mezzanine and attic area, place an elevator in the center of the structure and use the attic area as a fourth floor with a three bedroom residential unit.

9. The applicant is seeking a variance from sub-section 401.3 which requires a 900-foot minimum lot area per residential unit in the CAP/R-4 District. The applicant would be required to provide a 17,100 square foot lot area for the nineteen proposed units. The existing lot area is 7,657.20 square feet. A variance of 9,444.80 square feet is required.

10. The applicant is also seeking a variance from the 1.8 floor area ratio limitation of section 1203.3, and the number of stories permitted under subsection 1203.1, which is three. The structure presently has 12,549.49 square feet. By filling in the mezzanine and attic, the applicant will be adding a fourth floor and 3,302.46 square feet. A floor area ratio of 1.8 permits 13,782.96 square feet, thus, the 15,851.95 square feet to be provided will exceed the floor area ratio limitations by 15.01%.

11. Subsection 330.5 permits the conversion of a building existing before May 12, 1958 to an apartment house. The Zoning Administrator has interpreted that section to apply to all or part of a building. Since the applicant proposes to fill in the mezzanine, a condition which did not exist before May 12, 1958, a variance from the provisions of subsection 330.5 is required.

12. The church cannot afford to maintain the structure which is deteriorating and in need of major repairs. The property has been actively marketed for sale for almost four years. During that time, about a dozen other churches expressed interest in purchasing the property, but ultimately declined to do so because of the cost of renovating the structure. The church reduced its selling price from \$525,000 to \$360,000. Other than the offer made by Mr. Ahmad, other offers to purchase the structure were also for multi-family residential purposes but were unacceptable to the church because they either required the church to renovate the structure, which it could not afford to do, or provide financing to the purchasers, which the church was not in a position to provide. The Board finds that the church has been unable to sell the structure for a use that would not require substantial renovations of the building.

13. Matter-of-right development would allow the structure to be converted into eight residential units. Eight units would not be marketable or architecturally practical. Given the cost of rehabilitating the structure, the eight units, regardless of the number of bedrooms, would have to sell for \$257,000, a price which is far above the average sales price for similar units in the Capitol Hill area.

14. Because of its status in the Capitol Hill Historic District the structure could not be demolished in order to build matter-of-right row houses on the site.

15. The contract purchaser has developed numerous residential renovation projects of historic structures in the District of Columbia and one on Capitol Hill. A feasibility study prepared for the contract purchaser concluded that one-bedroom condominium units average less than \$100,000 in this area and that he could expect to receive \$145 per square foot for a unit.

16. The developer of the proposed project, who originally considered 23 units for the project, intends to offer the following mixed unit types: 18 one-bedroom units with approximately 650 square feet and one three-bedroom unit with approximately 1,500 square feet. The one-bedroom units will sell for between \$90,000 and \$95,000. The major market for the proposed units is intended for single people who presently rent and work on Capitol Hill.

17. The developer will provide more parking than is required by the Zoning Regulations, an open space area to the rear of the present administrative building and two roof-top decks on the roof of the administrative building. The developer also plans to remove the permastone covering the church and to point up its historic characteristics.

18. There would be few eligible buyers in the Capitol Hill market for larger units. Three bedroom or larger units would compete unsuccessfully with the townhouse market. There is a good market for moderately priced one-bedroom units.

19. No major exterior alterations are proposed. The Historic Preservation Review Board has given its approval to the conceptual design proposed by the developer.

20. The layout of the apartments primarily relates to the existing structure and its facade including fenestration. The core elements of the units and proposed elevator will be centrally located in the church structure. By doing so and by filling in the mezzanine and attic to provide additional floors, the developer will add to the horizontal stability of the added load bearing walls and help to relieve the load on the existing joists. The provision of a fourth floor also will provide needed stability for the roof which presently lacks any cross-beams for support.

21. The architect/land use planner for the project testified that use of the entire building, by the provision of a third and fourth floor, will not only aid in the horizontal stability of the structure but architecturally and aesthetically relate better to the historic district. Otherwise the visual perception of the structure will be that of the top portion being vacant. The Board so finds.

22. It is not practical for the applicant to purchase adjoining lots with the subject lot to permit the conversion of the church into nineteen units without seeking a variance from the 900 square foot minimum lot area requirements. The adjoining lots contain contributing historic residential structures.

23. Adding a fourth floor to the church will not affect the height of the church or be visible from outside the church.

24. Advisory Neighborhood Commission (ANC) 6B did not timely submit a report regarding the application. Representatives of ANC 6B testified at the hearing and submitted the ANC's resolution.

25. The representative testified that the ANC recommended that the Board give favorable consideration to the application only if the number of units were reduced to eleven or less. The ANC believes that the density of nineteen units would be onerous and burdensome on the CAP/R-4 district and the number of parking spaces provided is inadequate. The Board does not agree. If the eight

units are provided, as a matter-of-right, or eleven units, the density may be more than that resulting from the nineteen units because the eight units may have more bedrooms. The Board credits the applicant's architects testimony that given the location of the structure and the cost of eight units it is more likely that the large units will be occupied by singles, rather than families, who will likely own more automobiles. The Board notes that the number of parking spaces provided is more than required by the Zoning Regulations.

26. By letter dated December 30, 1987 the Capitol Hill Restoration Society Zoning Committee reported that it voted to support the application for the conversion of the structure to no more than 19 apartment units.

27. Residents of the neighborhood testified and submitted letters in opposition to the application because of the number of units being provided, even though many supported a residential use for the structure. The Board finds that the granting of the requested relief would permit the creative reuse of a vacant, deteriorating structure, would provide 19 additional housing units and would permit the restoration of structure's facade in a manner consistent with the character of the Capitol Hill Historic District.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking both use and area variances. As to the use variance, the Board concludes that the granting of such a variance requires the showing of an exceptional or extraordinary condition of the property which would create an undue hardship upon the owner. In this case, the applicant demonstrated that as a result of the deteriorating condition of the structure and its location in the Capitol Hill Historic District, and the applicant's need to relocate its congregation, it could no longer use the structure as a church, demolish it or renovate the structure. Additionally, the applicant demonstrated that use of the property as a nineteen unit residential condominium is a reasonable and feasible economic use for the property and that, given the structure's deteriorating condition, the interior of the structure needed to be altered to add additional floors to provide horizontal stability to the structure. The Board concludes that the applicant has shown an exceptional or extraordinary condition in the property which has created an undue hardship upon the owner.

As to the remaining variances, the Board concludes that they are all area variances, the granting of which requires the showing of an extraordinary or exceptional condition of the property which creates a practical difficulty for the owner. The Board concludes that the square footage of the building in relation to the lot area, the previous use of the site, the interior layout of the structure, the floor to floor height of the rooms, the location of the building on the site, the nature of construction of the building, the structure's deteriorating condition and its historic significance, all constitute an exceptional condition of the property. The practical difficulty is thus inherent in the property. The Board notes that the variances sought are minimal, and that the additional floors will not enlarge the structure or be visible from public streets.

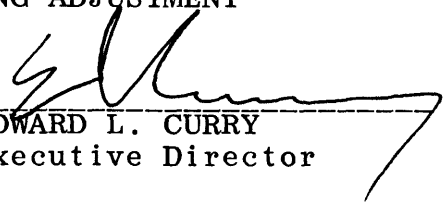
The Board further concludes that the variances can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

It is therefore ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as exhibit No. 24 of the record.

VOTE: 4-1 (John G. Parsons, Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to grant; William F. McIntosh opposed to the motion by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14712

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAR 28 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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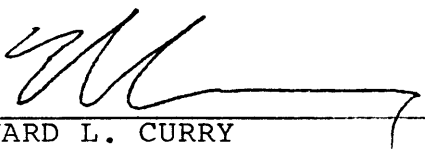
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EDWARD L. CURRY
Executive Director

DATE: MAR 28 1988